

PUBLIC INVOLVEMENT SUMMARY
Rural Economic Strategies 2006 Code Changes Package

BACKGROUND

The 2006 Rural Code Changes Process was initiated in December of 2005 when BRED mailed letters to the rural Unincorporated Area Councils (rural UAC's) and the rural chambers of commerce requesting their assistance to identify opportunities to enhance home-based businesses and the existing barriers to such uses. From February into April, BRED met with the four rural UAC's and several of the rural chambers of commerce to discuss this process and identify potential opportunities, barriers, and code changes.

At the request of the Four Creeks Unincorporated Area Council and the Greater Maple Valley Unincorporated Area Council, BRED, DDES, and DNRP staff met with representatives of the two UAC's and several rural residents on rural issues and home-based business code revisions starting in March. The Council's Growth Management and Natural Resource Committee asked county staff to obtain additional public review on the home-based business ordinance that was passed out of Committee, thus included with the code revision package.

Concurrently, BRED and DNRP staff worked with both the Agriculture and Rural Forestry Commissions on their work programs for 2006 which included the identification of potential code changes to enhance agricultural and forestry opportunities in the county. The changes proposed in the resource-based proposals came from the two Commissions, meetings with the Enumclaw Chamber of Commerce, the King County Historic Preservation Office, and input from rural residents and business owners.

PUBLIC REVIEW PROCESS

The Package of proposed code changes and the Council Ordinance was made available on the Rural Economic Strategies Website for review by rural residents, business-owners, and other interested parties on July 10. The public review comment period closed on August 10, 2006. Post card and email notices and a press release were sent out notifying citizens of the public information meeting and the availability of the package for review and comment.

The Public Information Meeting on the proposed rural code changes, with an opportunity to comment, was held on July 25 at 7:00 pm at the Preston Community Center. Staff attended numerous outreach meetings to inform rural unincorporated area councils, rural chambers of commerce, residents, and business owners about the code changes as listed below.

Meetings at which the code changes were discussed.	
July 12	Rural Forest Commission Meeting
July 17	Vashon Maury Island Community Council Meeting
July 18	Enumclaw Chamber of Commerce
July 19	Four Creeks Unincorporated Area Council Meeting
July 20	Agriculture Commission Meeting
August 3	Duvall Chamber of Commerce Monthly Meeting
August 7	Greater Maple Valley Area Council Meeting

PUBLIC INVOLVEMENT SUMMARY
Rural Economic Strategies 2006 Code Changes Package

SUMMARY OF COMMENTS

A large number of comments received during public review of these proposals were in the nature of requests for clarification of meaning or intent. Overall, the goal of those providing comments was to address the needs of rural residents and business owners, while maintaining rural character. Those providing comments represented a broad range of opinions, from those suggesting that the proposals did not go far enough to support rural businesses, to others who argued that no changes were needed. However, even those who suggested no changes were needed were not opposed to limited changes that would enhance the ability of rural property owners to make productive use of their property and engage in resource-based and home-based activities. The proposed changes affecting agriculture and agricultural related activities received strong support from the King County Agriculture Commission. The King County Rural Forest Commission supported the forestry related changes.

The Executive Proposal for resource-based code changes has been modified in several areas in response to the comments received. Additionally the Executive's recommendations for changes to the Council's home-based amendments also reflect the comments received during the public outreach in July and August. Most of those who commented on the Public Review Drafts will find their recommendations reflected in and their concerns addressed in the Executive's Proposal and recommendations being submitted to the Council on August 31, 2006.

Resource-Based Proposed Code Changes (Forestry, Agriculture, & Animal Specialty Services)

It should be noted here that at each of the public information and outreach meetings as well as the majority of the email comments related to the resource-based proposed code change that buildings older than five years could be used for agricultural purposes in their entirety. The other significant concern raised by email comments was on the change in the permitted square footage for agricultural sales and processing from 2,000 square feet to 3,500 square feet. The existing code permits agricultural activities in up to 2,000 square feet as a permitted use, with up to 3,500 square feet as a conditional use. Farmers and business owners supported this change, while the majority of the comments against the proposal indicated a concern that the elimination of the conditional use process along with the unlimited use of older agricultural buildings would allow a loop hole for major developments. Several rural residents discussed a recent retail enterprise that had been proposed, but not constructed for several reasons, including public opposition. The increase in the size from 2,000 to 3,500 square feet was included at the request of existing nurseries and a lavender farm in the Enumclaw area, with participation of the Enumclaw Chamber of Commerce.

The table below lists a summary of the comments received and recommended changes.

PUBLIC INVOLVEMENT SUMMARY
Rural Economic Strategies 2006 Code Changes Package

Public Comment Summary – Rural Economic Strategies – Resource-Based Code Changes			
Topic	Public Review Draft	Public Comments	Response
Forest thinning	Forest practices in critical area buffers that are limited to activities to improve forest health are not subject to the six year moratorium when conducted consistent with a conversion option harvest plan.	<ul style="list-style-type: none"> Forest Commission supports this code change. Comment that no acreage limitations be placed on this change. 	No change.
Animal specialty services	Animal specialty services, such as animal shelters, dog grooming, dog day care, and other similar services are added to the general services land use table. These services are a conditional use in the RA and UR zones and a permitted use in the commercial and industrial zones.	Individual responses were mixed, with proponents asking that these be a permitted use in both the RA and UR classifications. Other individuals stated that they preferred the conditional use process to remain in those zoning classifications so that control over size, noise, and other potential items can be exercised so the use is compatible with the area.	Executive Proposal retains conditional use permit requirement. Traffic and noise are frequent concerns of neighbors and are best addressed through conditional use permit.
Reuse of buildings over five years old	Floor area limits that apply to wineries, food processing, and agricultural product sales do not apply to buildings that were legally constructed and are five years old or older.	This creates a potential loophole that will allow activities that do not fit with rural character and the appropriate size and scale of these types of activities in the Agriculture and Rural Area Zones.	The Executive Proposal limits the reuse of buildings to King County designated historic buildings. This will provide an incentive for encouraging the appropriate reuse of historic buildings.
Increasing floor area for sales and production of value-added products allowed as a permitted use	As a permitted use, increases to 3,500 square feet, from 2,000 square feet, the area that can be used for agricultural product sales and food processing.	Existing business-owners and farmers were supportive of the increase in permitted size from 2,000 to 3,500. Other rural residents were concerned that this condition, combined with the unlimited use of accessory buildings older than five years would open the door for large scale developments.	The Executive Proposal adopts the Public Review Draft provisions. The difference in impact between 2,000 square feet and 3,500 square feet of floor area is not enough difference to justify the added burden of the conditional use permit. There are other limitations on these activities that should limit their impact on adjacent properties.
Building setbacks	In the A, F, RA, and UR zones, 40 foot setback from residential zone properties required, except for historic buildings.	Rural residents, particularly those in the RA zone were concerned with the reduction in structure setbacks.	The Executive Proposal retains the existing 75 foot setback.

PUBLIC INVOLVEMENT SUMMARY
Rural Economic Strategies 2006 Code Changes Package

Public Comment Summary – Rural Economic Strategies – Resource-Based Code Changes			
Topic	Public Review Draft	Public Comments	Response
Retail nurseries	<ul style="list-style-type: none"> • Add a new definition for "Retail Nursery, Garden Center and Farm Supply Store." • Modify definition of "building material and hardware store" to exclude garden supplies. • "Retail Nursery, Garden Center and Farm Supply Store" is a permitted use, without conditions, in the CB, NB, and RB zones. In the A and RA zones it is a permitted use, but the retail sales area is limited to 3,500 sq. ft. 	<ul style="list-style-type: none"> • Agriculture Commission and other rural residents and business-owners expressed concern that Public Review draft was ambiguous on whether outdoor areas used for display of plants or outdoor plants in pots were considered as part of sales area. • Concerns about conditional use are address above. 	<ul style="list-style-type: none"> • Executive Proposal clarified language to exclude outdoor display of plants and plants in pots from calculation of the retail square footage.
Agricultural employee housing	<ul style="list-style-type: none"> • Agricultural employee housing allowed for year-round employees based on size of farm. • Units are limited to 1,000 sq. ft. floor area and must conform to the building code or the state adopted agricultural worker housing building code. • Property owner is not required to live on property. 	<ul style="list-style-type: none"> • Agriculture commission expressed concern that public review draft did not ensure that housing had to be occupied by agricultural employees. • Agriculture Commission expressed concern that families of employees could not live in units. • Agriculture Commission expressed concern about mechanisms to ensure that housing continues to be used by agricultural workers over time. 	<ul style="list-style-type: none"> • Executive Proposal has been modified to clarify that housing must be occupied by agricultural employees and that families may live in the unit. • Staff will work with Agriculture Commission to ensure housing remains for agricultural worker use over time.

Council's Home-Based Business Ordinance

Questions, clarifications, and suggestions for revisions were proposed on the home-based business ordinance at all of the meetings and via numerous resident and organization written comments. The comments received were generally focused in four areas, unlimited use of garages and accessory buildings for activities, unlimited patrons, elimination of the landscape screening provisions, and realistic and easy to understand vehicle requirements. The specific comments are included below.

PUBLIC INVOLVEMENT SUMMARY
Rural Economic Strategies 2006 Code Changes Package

Public Comment Summary – Rural Economic Strategies – Council’s Home-Based Business Code Changes			
Topic	Public Review Draft	Public Comments	Response
Indoor area	<ul style="list-style-type: none"> No more than 20% of the floor area of the dwelling unit. Attached garages and storage buildings may be used for activities associated with the home occupation. 	While almost all of the specific comments on this issue supported an increase in area for a home-based business into garages and accessory buildings, the majority of individuals felt that unlimited use of these buildings could prove too extensive and the use would no longer be compatible with rural character.	Executive recommends no more than 20% of the floor area of the dwelling unit and from 500 to 1,000 sq. ft. of accessory buildings, based on size of lot.
Outdoor storage & landscaping requirements	<ul style="list-style-type: none"> In R and UR zones, all activities conducted indoors, except for growing or storing plants used in the home occupation. In A, F, and RA zones: <ul style="list-style-type: none"> Minimum outdoor area of 400 sq. ft., with additional 400 sq. ft. for each acre, up to maximum of 5000 sq. ft. Outdoor storage must be 20 ft from property lines. No landscaping required for outdoor storage areas. 	The majority of comments on outdoor areas were supportive of the use of outdoor areas in the rural area, but requested that the existing code landscaping and setbacks for outdoor storage and parking areas be retained. However, there was disagreement on how the landscaping should be accomplished. One option proposed that property owners should have a choice between meeting the landscaping requirement, building a fence, or if existing landscaping did not meet code, yet in fact screened the area, the owner should be able to retain the existing landscaping.	Executive recommends that 1) setbacks for outdoor storage should remain at the existing 25 feet from the property lines and 2) that outdoor storage and parking must meet existing code landscape requirements for screening.
Non-resident employees	<ul style="list-style-type: none"> In R and UR zones, no more than one non-resident employed on full-time basis. In A, F, and RA zones, no more than three non-residents employed on a full-time basis. Does not apply to employees who primarily conduct activities off-site. 	While the majority of individuals at the meetings and in emails were supportive of the proposed increase from 1 to 3 employees, confusion arose around the language. Did this include part-time employees? What if you had more than 6 part-time employees? What about training employees?	Executive recommends a clarification in the language that in the A, F, and RA zones, no more than three non-resident employees who report to the site for work related duties.

PUBLIC INVOLVEMENT SUMMARY
Rural Economic Strategies 2006 Code Changes Package

Public Comment Summary – Rural Economic Strategies – Council’s Home-Based Business Code Changes			
Topic	Public Review Draft	Public Comments	Response
Services to patrons	<ul style="list-style-type: none"> In the R and UR zones, arranged by appointment or provided off-site. In the A, F, and RA zones, no restrictions. 	Numerous individuals expressed concern about the proposal for unlimited visits to home-based businesses. Additionally, code enforcement officers indicated that a large number of home-based business complaints to enforcement are regarding the amount of traffic to and from a home-based business.	Executive recommends existing code language be maintained that services are provided by appointment or off-site.
Sales	In the R and UR zones, mail order and telephone sales with off-site delivery In the A, F, and RA zones, limited to items grown, produced, or fabricated on site.	The ordinance language was confusing to numerous rural residents. They were unsure as to whether the existing permitted uses of sales by mail order and telephone would still be included. Additionally, concern was raised about increased traffic on local roads if additional sales and/or sales without an appointment were permitted on site.	Executive recommends 1) that existing code language permitting “mail order and telephone sales with off-site delivery” be added back in, 2) add internet sales to this list, and 3) add language that clarifies that incidental sales may be made to patrons receiving the services allowed on site.
Parking	<ul style="list-style-type: none"> In the R and UR zones, one stall for the non-resident employee and one stall for patrons visiting the site. In the A, F, and RA zones, one stall for a non-resident employee and one stall for each patron receiving services. 	Numerous residents asked why the amendment proposed only one parking space for three employees and was this intended in the amendment. Several comments were received that expressed concern about providing “parking for each patron” as this unlimited amount number of spaces and the resultant amount of parking could make the home-based business incompatible with rural character.	Executive recommends language change to “one stall for each non-resident employee” and recommends providing one stall for patrons visiting the site, as in the existing code.
Vehicles	<ul style="list-style-type: none"> In the R and UR zones, may use or store one vehicle of no more than one ton for pickup or delivery. In the A, F, and RA zones, on lots 2.5 acres or less, one vehicle up to 2.5 tons; lots 2.5 to 10 acres, 2 vehicles up to 2.5 tons and 1 vehicle over 2.5 tons; lots greater than 10 acres, 3 vehicles up to 2.5 tons and 1 vehicle over 2.5 tons. Vehicle may not be stored in setback or on street. 	At every meeting and in numerous written comments individuals asked about the intent and interpretation of vehicle weight. Several individuals suggested we use the State’s vehicular weight limit that is posted on each vehicle. Other persons asked what the weight had to do with the actual type of vehicles needed for a particular home-based business.	Executive recommends no limitations on number or size of vehicles used in the home occupation. However, the vehicles must be parked or stored in garages, approved parking spaces, or in permitted outdoor storage area. Vehicle storage areas are included in determining allowable area for the home occupation and if located outdoors, must be landscaped.

PUBLIC INVOLVEMENT SUMMARY
Rural Economic Strategies 2006 Code Changes Package

Public Comment Summary – Rural Economic Strategies – Council’s Home-Based Business Code Changes			
Topic	Public Review Draft	Public Comments	Response
Limitations on activities	Deleted the existing nuisance code language “Does not use electrical or mechanical equipment that requires a change in occupancy type or causes visual or audible interference with radios or TVs, or electronic equipment off-site.”		Executive recommends continuation of existing code “Does not use electrical or mechanical equipment that requires a change in occupancy type or causes visual or audible interference with radios or TVs, or electronic equipment off-site.”

The Home Industry Section of the Council’s Amendment.

The home industry section allows more intensive uses than those permitted in the home occupation section and the Council did not propose any changes to this section as part of their amendment. However, the Executive is proposing changes to this code so that it either matches or exceeds the home occupation section. The Executive suggests that outdoor storage areas and parking be the same as established for the home occupation section of the code.

Council’s Home-Based Business Code Changes – Suggestions to the Home Industry Section		
Topic	Existing code	Suggested change
Use of attached garages and storage buildings	Total floor area no more than 50% of the floor area of the dwelling unit. Attached garages and storage buildings may be used for storage of goods used in the home occupation, but not included in calculating allowable floor area.	Executive recommends the “no more than 50% of the floor area be maintained and that additional floor area of accessory buildings and outdoor areas be established through the conditional use permit. Thus there are no set limits on use; the limits will be established on case-by-case basis.
Number of Employees	No more than four non-resident employees.	Executive recommends increase to five non-resident employees.